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**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

ALASKA INDUSTRIAL
DEVELOPMENT AND EXPORT
AUTHORITY,

Plaintiff,

v.

U.S. DEPARTMENT OF THE INTERIOR,
et al.,

Defendants,

and

Case No. 3:24-cv-00051-SLG

GWICH'IN STEERING
COMMITTEE, *et al.*,

and

NATIVE VILLAGE OF VENETIE
TRIBAL GOVERNMENT, *et al.*,

Intervenor-Defendants.

**INTERVENOR-DEFENDANTS NATIVE VILLAGE OF VENETIE TRIBAL
GOVERNMENT, ARCTIC VILLAGE COUNCIL, AND VENETIE VILLAGE
COUNCIL'S JOINDER IN DEFENDANT'S RESPONSE IN OPPOSITION TO
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON COUNT II(B)**

Intervenor-Defendants Native Village of Venetie Tribal Government, Arctic Village Council, and Venetie Village Council (collectively “the Tribes”) hereby join in Defendant’s Response in Opposition to Plaintiff’s Motion for Summary Judgment on Count II(B), ECF No. 74.

Summary Judgment on Count II(B) in favor of Defendants and Intervenor-Defendants is appropriate here as summary judgment is the proper resolution for Administrative Procedure Act claims—including claims involving allegations of political pretext—and Plaintiff’s pretext claim fails in light of the Department of the Interior’s (“DOI”) reasonable and well-supported record and rationale for lease cancellation. As detailed in the Tribes’ opening brief,¹ the record before DOI confirms the seriousness of the legal defects underlying DOI’s lease cancellation decision and supports DOI’s

¹ ECF No. 59 at 35–38.

reasonable basis for cancelling Plaintiff's leases. DOI's insufficient analysis under the National Environmental Policy Act ("NEPA") leading to the 2021 lease sale and issuance of Plaintiff's leases, including failure to adequately analyze a reasonable range of alternatives and failure to properly interpret the Tax Act's 2,000-acre limit, was well-supported in the record and was a reasonable basis for the agency to cancel Plaintiff's leases.²

Because DOI has the inherent authority to cancel Plaintiff's leases and because the well-founded record basis supports DOI's lease cancellation decision, the Court should deny Plaintiff's Motion for Summary Judgment and grant Defendants' and Intervenor-Defendants' cross motions for summary judgment on all counts.

Respectfully submitted this 30th day of August, 2024.

s/ Megan R. Condon
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² *Id.* at 36–37.

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CERTIFICATE OF SERVICE

I certify that on August 30, 2024, I caused a copy of the INTERVENOR-DEFENDANTS' JOINDER IN DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON COUNT II(B) to be electronically filed with the Clerk of the Court for the U.S. District Court of Alaska using the CM/ECF system.

s/ Megan R. Condon _____
Megan R. Condon